IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS DALLAS DIVISION

CHARLES JONES AND KATHERINE	§	
JONES,	§	
	§	
Plaintiffs,	§	
	§	
V.	§	Civil Action No. 3:12-CV-3929-L
	§	
DEUTSCHE BANK NATIONAL TRUST	§	
COMPANY, AS TRUSTEE FOR	§	
MORGAN STANLEY CAPITAL I INC.,	§	
TRUST 2006-HE2 and	§	
AMERICA'S SERVICING COMPANY,	§	
	§	
Defendants.	\$	

ORDER

Before the court is Defendants Wells Fargo Bank, N.A. and Deutsche Bank National Trust Company's Motion to Dismiss Pursuant to Rule 12(b)(6) (Doc. 5), filed November 5, 2012. The motion was referred to Magistrate Judge Irma Carrillo Ramirez, who entered Findings, Conclusions and Recommendation of the United States Magistrate Judge ("Report") on June 19, 2013, recommending that Defendants' motion to dismiss be granted but that Plaintiffs should be permitted to file an amended complaint. The magistrate judge further recommended that Defendants' motion to dismiss be denied as moot if Plaintiffs filed an amended complaint. No objections to the Report were filed. On July 2, 2013, Plaintiffs filed their First Amended Complaint.

Having reviewed the pleadings, file, and record in this case, and the findings and conclusions of the magistrate judge, the court determines that the findings and conclusions of the magistrate judge are correct, and **accepts** them as those of the court. Accordingly, in light of Plaintiffs' First

Amended Complaint, the court **denies as moot** Defendants Wells Fargo Bank, N.A. and Deutsche Bank National Trust Company's Motion to Dismiss Pursuant to Rule 12(b)(6) (Doc. 5).

It is so ordered this 9th day of July, 2013.

Sam Q. Sindsay

United States District Judge